

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
October 31, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., October 31, 2005 in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Juanita Garza, Minutes Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

2005 WEST NILE VIRUS CAMPAIGN

Presentation regarding the summation of the 2005 West Nile Virus Campaign. (C8806007000) (ADM2150)

Joy Rich, Assistant County Manager

Joy Rich gave an update on the 2005 West Nile Virus Campaign. Ms. Rich reported that only 70 human cases were reported this year, considerably less than the previous year. She stated that the campaign's main accomplishment was to get aggressive in the publicity efforts to get the message across to the community on ways to protect themselves from the virus. The Public Relations outreach campaign included the distribution of brochures and door hangers in English and Spanish; an Environmental Specialist was assigned to provide technical information, presentations, and related research, an Inter-governmental Liaison provided city and town agencies with mailings and updated information, and helped in achieving compliance; and a Public Information Assistant was hired to assist with organizing presentations, distribution of collaterals, and to seek partnership with organizations and valley businesses to get the word out to the public in a variety of forms. Banner Hospitals and Maricopa County epidemiologists worked with Health Care providers. In addition, the West Nile Virus message was relayed through the following media formats: media coverage, newsletters, print and TV ads, presentations, radio show, collateral distributions, website, hotline and the fogging notification system.

Ms. Rich informed the Board that Environmental Services was recognized by the Arizona Public Health Association with the 2005 HEMMY Award for the "Fight the Bite" West Nile Virus campaign. She also took the opportunity to recognize Public Health and the Communications department for their efforts in the West Nile Virus campaign.

The presentation also covered the following topics, which Ms. Rich briefly outlined: Treatment Protocol; Comprehensive Surveillance Networking; maps of permanent surveillance and breeding sites throughout the valley; a Larviciding graph illustrated the number of sites larvicided in 2004 and 2005; Adulticiding (a treatment sprayed to kill adult mosquitoes); On-line polling showing the majority of the population supporting the use of fogging; Complaint Activity showed an 8.5% increase from the number of complaints received last year; and the complaint trend with anticipated year-end complaint numbers to be approximately 13,000 for calendar year 2005.

Ms. Rich elaborated on the Green Pool enforcement. She stated that if a violation exists when a search warrant is executed, the case is turned over to the Enforcement Program for prosecution. Ms. Rich added that as of October 26, 2005, 104 cases were referred for possible prosecution. The Prosecution Protocol was adopted by the County Attorney's office.

Ms. Rich highlighted the activities the Vector Control staff will continue to work on to prepare for next year: monitor trap sites, test mosquito samples, larvacide, investigate citizen complaints, continue with the green pool prosecutions, and finalize maps and data for calendar year 2005. She also noted that Vector control staff sees Aedes Aegypti Mosquito as the next threat. The Aedes Aegypti Mosquito is the

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primary carrier for viruses that cause Dengue Fever and Yellow Fever. Communication efforts will focus on making people aware of the danger of this mosquito. Ms. Rich stated that West Nile Virus is very difficult to predict, every year is different. She said, "We must remain vigilant and continue with the communication efforts."

In response to questions from Supervisor Brock, Ms. Rich responded that the spread of the Aedes Aegypti mosquito can not be stopped, but the personal protection message and keeping the yards clean would help with the issue. Ms. Rich replied to Supervisor Brock's second question and said that a soy-based product was approved by the CDC as a repellent.

Supervisor Stapley asked how Arizona's West Nile Virus cases compared to other states; he also asked if they used the same treatment protocol. Dr. Meek said that she was not aware of the treatment protocol used by other states, but reported that California had 771 human disease cases; Nevada, 29; Utah, 51; Colorado, 75; New Mexico, 29; and Texas, 117 cases for the year 2005.

Dr. Meek gave a brief presentation with slides that showed West Nile Virus Human cases in the U.S. the virus peaked in 2003 and dropped in 2005. National Maps show the virus started on the east coast and now continues to move across the country. Maricopa County surveillance of cases reported in March, April, and May showed low activity; as the season progressed more cases were reported. Bird surveillance showed a decrease of the virus in the bird population. Public Health's main focus is on preparedness.

HURRICANE KATRINA RESPONSE UPDATE

Presentation regarding the response of Maricopa County to the Hurricane Katrina relief efforts. (C2006016000) (ADM904-001)

Jessica Berg, Special Assistant to the County Manager

David Smith, County Manager, commented briefly on Maricopa County's assistance to the 500 hurricane evacuees at the coliseum.

Jessica Berg's presentation was a summary of the county-wide relief efforts to Hurricane Katrina and county-wide collaborative efforts to the 500 evacuees housed at the coliseum for approximately 20 days. Many services were provided by Maricopa County and the State. A video created by the Maricopa Magazine staff depicted what happened at the coliseum and at the gulf coast.

Ms. Berg gave a detailed overview of the volunteer work and services that were provided by the following departments: Human Services, Sheriff's office, Animal Care and Control, Community Development, Emergency Management, Emergency Management Emergency Support Functions (ESF) Matrix, Environmental Services, Equipment Services, Housing Authority, Office of the Medical Examiner, Public Information Office, Public Health, Public Works, and the Stadium District. She also explained the lessons learned from the experience and the necessary improvements suggested by different departments. She added that a committee formation will follow to ensure the most successful relief efforts possible in any future similar emergency situations.

In response to a question from Supervisor Brock, Rene Ayres, Community Development, responded that block grant money is not set up for emergencies. In the future, any Community Development block grant funds desired to be set aside for emergencies would have to be done during the annual process. Ms. Ayres indicated that the grant money could not be used for any other purpose while sitting in the

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emergency pool fund. The grant money requested has to be identified for each specific emergency purpose.

Chairman Wilson asked Mr. Smith if there were county dollars that could be set aside as temporary measures for emergency purposes. David Smith said, "Yes, we can do that". Mr. Smith also explained that the block grant funds were not necessary because the projected number of evacuees were less than expected.

Supervisor Wilcox expressed her gratitude to all County employees and departments that volunteered their time and efforts to the Katrina relief and commended the State, County, and Cities for working in collaboration to provide services to the Katrina evacuees at the coliseum. She said, "We all learn a lesson by working together in any emergency or disaster."

Chairman called for a five minute break. The meeting was recessed and reconvened after this short break.

PROPOSED 2006 BOARD OF SUPERVISORS' LEGISLATIVE PACKAGE

Item: Presentation and request for approval of the proposed 2006 Board of Supervisors' legislative package. (C2006014M00) (ADM1650)

Diane Sikokis, Director, Maricopa County Government Relations

Richard Bohan, Legislative Liaison

Christian Stumpf, Legislative Analyst

Diane Sikokis, Director, Government Relations, presented for consideration and adoption the Proposed Legislative Package for the 2006 session. Ms. Sikokis said that the start of the new session begins Monday, January 9, 2006, an election year. She presented highlights of what the County will seek regarding the various legislative issues outlined below:

Potential Demands on the State General Fund and Revenue Surplus

The Legislature has already declared that excess fiscal year 2006 general fund revenues over the enacted budget forecast should go into the state Rainy Day Fund; tax cuts; raises for state employees; replacement funding for large state agencies which are projecting budget deficits after years of under-funding; two unresolved lawsuits – the Hogan lawsuit against the State and Flores "English Language Learners" lawsuit.

Potential 2006 Ballot Measures

Ms. Sikokis listed a few of the major ballot measures that could impact the County:

- State trust fund reform
- Statewide smoking ban for all public places
- Marriage and marriage benefits
- Mandating amount of school districts' budgets that must be spent on classroom instruction

The FY 2006-07 Budget

The proposed Maricopa County legislative priorities took into consideration the following budgetary guidelines: 1) continue to reduce mandated fixed payments to the State, 2) formalize state-county funding

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relationship regarding Adult Probation, 3) participate in coalition efforts to slow the diversion of HURF monies away from road construction and maintenance, and 4) educate legislators on the Special Health Care District's \$40 million levy, funding history and existing statutory limits on county primary tax rate.

Ms. Sikokis proceeded to list proposed statutory changes included in this year's package.

- Establish civil penalty for unauthorized modification of flood control structures

In response to a question from Supervisor Stapley, Ms. Sikokis responded that the Flood Control District was creating a list of all unauthorized work, to County structures, that occurred within the last 4 years. The list will be provided to the Board for review of all such instances of unauthorized work. (Ex. cable companies drilling holes through structures without previous permits.)

Supervisor Kunasek indicated that he was not convinced that the County didn't already have a statute in place that allowed the protection of its assets. Mr. Kunasek suggested having the County Attorney's office review the proposal and provide an analysis before enacting a new law to protect Maricopa County structures.

- Seek authority to set criteria for managing flood-related erosion prone areas,
- Seek revisions to statutes governing job order contracting,
- Pursue revisions to statutes governing indigent burial,
- Require "fissure" information be added to real estate sellers' affidavit of disclosure

Chairman Wilson inquired if the disclosed information regarding the existence of fissures would be "known" fissures. Ms. Sikokis replied, "Yes, they are known fissures."

- Authority to exchange information on transaction privilege tax licenses with Department of Revenue.

Ms. Sikokis introduced the following topics regarding legislative issues which the County will support or assist with during the coming session:

- Seek state financial assistance for Human Services Campus capital construction needs.
- Seek to broaden the abatement statute under ARS §42-18352 to apply to personal property as well as real property.
- Potential identity theft legislation
- Public sector sharing of digital cartographic/GIS information
- Advocate for full funding of Summer Youth Employment Program
- Potential lot split legislation
- Continuation of County assessor information storage and retrieval fund (remove sunset)
- Advocate for full funding for county air quality programs required under SIP
- Support County Supervisors Association efforts to study impacts of the "meth" crisis on counties and pursue a county omnibus bill addressing issues that should be locally determined.

Discussion ensued among the Supervisors on points they wanted emphasized when meetings occurred with the Legislators. Some of the points included: concerns regarding the diversion of HURF monies;

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property valuation and trends in values; the Special Health Care Districts' funding history; and the effect of inflation on the gas tax fund.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the 2006 Maricopa County Board of Supervisors' Legislative Package.

EXECUTIVE SESSION CALLED

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated, October 31, 2005, pursuant to listed statutory authority, as follows:

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION -- ARS §38-431.03(A)(3) AND (A)(4)

Compromise Cases – Barbara Caldwell, Outside Counsel
Dan Arbogast
Michael New-Reh

SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)

Maricopa County v. Stanley Consultants, et al
Kent Hamm, Maricopa County Department of Transportation Supervisor
Rick Garnett, Deputy County Attorney

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; PERSONNEL MATTERS – DEALING WITH EMPLOYEE ORGANIZATIONS – ARS §38-431.03(A)(3), (A)(4) and (A)(5)

Maricopa County Sheriff's Office v. Maricopa County Employee Merit System (Daniel Juarez), 461 Ariz. Adv. Rep. 29 (2005)
Mary C. Cronin, Deputy County Attorney
Gwynn Simpson, Maricopa County Human Resources Director
Mary Ellen Sheppard, Maricopa County Sheriff's Office Deputy Chief
Shawn Nau, Director, Health Care Mandates

MEETING ADJOURNED

After discussion on the above items and there being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board